

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ATOM J. SMITH,

Plaintiff,

v.

Case No. 25-cv-451-bhl

SABRINA NEHR, et al.,

Defendants.

ORDER

Plaintiff Atom J. Smith, who is currently serving a state prison sentence at the Oshkosh Correctional Institution and representing himself, filed a complaint under 42 U.S.C. §1983, along with a motion for leave to proceed without prepayment of the filing fee. Dkt. Nos. 1 & 7. On April 21, 2024, Smith paid the \$22.40 initial partial filing fee. The Court will therefore grant Smith's motion for leave to proceed without prepayment of the filing fee.

On March 26, 2025, Smith filed his original complaint. Dkt. No. 1. However, he has since filed five additional "supplements" to the complaint. Dkt. Nos. 5, 9, 15, 17, & 18. The proper way to add defendants or claims to this case is to file an Amended Complaint that includes all of the facts, claims, and defendants that Smith wishes to proceed on in one document. *See* Fed. R. Civ. P. 15(a); *see* Civ. L. R. 15(a) (E.D. Wis.). Smith cannot "supplement" his complaint with new claims and defendants each time he recalls a new grievance. If Smith wishes to add defendants or claims to this case, he may file an Amended Complaint within **30 days of the date of this order**. The Court will enclose a guide for *pro se* prisoners that explains how to file an amended complaint that the Court can effectively screen. The Court also will include a blank prisoner amended

complaint form. The Court will require Smith to use that form to file his amended complaint. *See* Civ. L. R. 9 (E.D. Wis.). If Smith believes he needs more space than is available in the blank prisoner amended complaint form, he may attach a *maximum* of five typed, double-spaced pages. The amended complaint should be no more than ten pages total.

Smith is advised that the amended complaint must bear the docket number assigned to this case. The amended complaint replaces the prior complaint and must be complete in itself without reference to the original complaint. *See Duda v. Bd. of Educ. of Franklin Park Pub. Sch. Dist. No. 84*, 133 F.3d 1054, 1056–57 (7th Cir. 1998). In *Duda*, the appellate court emphasized that in such instances, the “prior pleading is in effect withdrawn as to all matters not restated in the amended pleading.” *Id.* at 1057 (citation omitted). If Smith files an amended complaint, the Court will screen it as required by 28 U.S.C. §1915A. If Smith does not file an amended complaint, the Court will screen the original complaint without reference to any of the five additional supplements.

IT IS THEREFORE ORDERED that Smith’s motion for leave to proceed without prepayment of the filing fee (Dkt. No. 7) is **GRANTED**.

IT IS FURTHER ORDERED that the agency having custody of Smith shall collect from his institution trust account the **\$327.60** balance of the filing fee by collecting monthly payments from Smith’s prison trust account in an amount equal to 20% of the preceding month’s income credited to the prisoner’s trust account and forwarding payments to the Clerk of Court each time the amount in the account exceeds \$10 in accordance with 28 U.S.C. §1915(b)(2). The payments shall be clearly identified by the case name and number assigned to this action. If Smith is transferred to another institution, the transferring institution shall forward a copy of this Order along with Smith’s remaining balance to the receiving institution.

IT IS FURTHER ORDERED that copies of this order be sent to the officer in charge of the agency where Smith is located.

IT IS FURTHER ORDERED that Smith may file an Amended Complaint **within 30 days of the date of this order**. If Smith files an amended complaint, the Court will screen it as required by 28 U.S.C. §1915A. If Smith does not file an amended complaint, the Court will screen the original complaint without reference to any of the five additional supplements.

IT IS FURTHER ORDERED that the Clerk's Office mail Smith a blank prisoner amended complaint form and a copy of the guide entitled "Guide to Filing Prisoner Complaints Without a Lawyer in the United States District Court for the Eastern District of Wisconsin," along with this order.

IT IS FURTHER ORDERED that plaintiffs who are inmates at Prisoner E-Filing Program institutions must submit all correspondence and case filings to institution staff, who will scan and e-mail documents to the Court. The Prisoner E-Filing Program is mandatory for all inmates of Green Bay Correctional Institution, Waupun Correctional Institution, Dodge Correctional Institution, Wisconsin Secure Program Facility, Columbia Correctional Institution, and Oshkosh Correctional Institution. Plaintiffs who are inmates at all other prison facilities must submit the original document for filing to the Court to the following address:

Office of the Clerk
United States District Court
Eastern District of Wisconsin
517 E. Wisconsin Avenue, Suite 362
Milwaukee, Wisconsin 53202

PLEASE DO NOT MAIL ANYTHING DIRECTLY TO THE COURT'S CHAMBERS. It will only delay the processing of the matter.

Smith is further advised that failure to make a timely submission may result in the dismissal of this action for failure to prosecute. In addition, the parties must notify the Clerk of Court of any

change of address. Failure to do so could result in orders or other information not being timely delivered, thus affecting the legal rights of the parties.

Dated at Milwaukee, Wisconsin on April 23, 2025.

s/ Brett H. Ludwig

BRETT H. LUDWIG
United States District Judge